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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,263

04/26/2006

Hubert Krauth

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7590

10/10/2007

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT

PAPER NUMBER

3636

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,263	Applicant(s) KRAUTH ET AL.	
	Examiner Rodney B. White	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "seat component" in Claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the Abstract of the Disclosure, on line 1, Applicant uses the word "invention" which is improper for the Abstract. Correction is required.

Claim Rejections - 35 USC § 112

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "particularly an air passenger seat" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). On line 4, "the adjoining hollow

sections" lacks antecedent basis. Nowhere in the claim prior to that has Applicant defined the hollow sections as being adjoined.

In claim 1, line 3, "the adjoining hollow sections" lacks antecedent basis for the same reasons as in Claim 1.

In claim 2, lines 1-2, "the service position" lacks antecedent basis. On line 2, "the double chambered hollow section" lacks antecedent basis. On lines 2-3, "the lower area", "the area", and "the lower third" lack antecedent basis.

In claim 4, lines 2-3, "the preceding hollow section" and "the following hollow section" is unclear and confusing. Applicant has defined two hollow sections and the reference number in the parentheses is given no weight. So "the preceding hollow section" is unclear and confusing, if not lacking antecedent basis, since it is not clear to which "hollow section" Applicant is referring. Applicant either needs to amend claim 1 to read - - a first hollow section - - and - - a second hollow section - - and in claim 4 amend it to read - - the first hollow section.....is the same as or larger than the cross section of the second hollow section - -.

In claim 5, line 1, "the chamber wall" lacks antecedent basis. The "Chamber wall" is defined in claim 3. However, Claim 5 depends from claim 4 which depends from claim 1. Should claim 5 have depended from claim 3 instead? On lines 2-3, "the preceding hollow section" is unclear and confusing. See the previous 112/2nd rejection concerning this language in Claim 4. On line 4, "such bevel" is improper language. The

word "such" should be changed to - - the - -. On line 4 "the opposite bevel" lacks antecedent basis. On lines 4-5, "the front hollow section" lacks antecedent basis.

In claim 6, line 1, "the rear hollow section" lacks antecedent basis. On line 2, "the section wall" lacks antecedent basis. On lines 2-3, "the bevels" lacks antecedent basis because of the antecedent basis problem with the bevels in claims 5. On line 3, "the upper third" lacks antecedent basis. On line 4, the language "at least to some extent" is unclear and confusing language. On line 4, "such element" is again unclear and confusing language. Finally, on line 4, "its service position" lacks antecedent basis.

In claim 7, line 2, "to receive" should be changed to - - and receives - -.

In claim 8, line "the respective longitudinal duct" lacks antecedent basis. Claim 8 depends from claim 1. However, the "longitudinal duct" is not defined until claim 7. Should claim 8 have depended from claim 7 instead?

In claim 9, lines 1 and 3-4 "the bevels" and "the bevel" lacks antecedent basis. Claim 9 depends from claim 1. However, the "the bevels" are not defined until claim 5. Should claim 9 have depended from claim 7 instead?

In claim 10, line 3, the language "has facing it a longitudinal duct (36, 38) of its own" is unclear and confusing language.

Finally, in claims 1 and 4-6, Applicant needs to remove the language "the customary direction of movement (flight direction)", "the customary direction of movement (flight direction 18)" and "the usual direction of movement (flight direction 18).

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It is unclear and confusing language and reads as if Applicant is claiming the seat in combination with the vehicle or aircraft in which the seat is mounted when the seat should be defined with respect to its structures alone and not a direction of travel.

The aforementioned problems render the claims vague and indefinite.

Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Miyauchi et al (U.S. Patent No. 5,412,860).

Miyauchi et al seat with a seat component and a backrest 10 having a backrest element (10a,20) and a curved one-piece frame component (30) which consists of at least one hollow section (54), characterized in that the frame component (30) has at least one other hollow section (53 or 54) and in that the adjoining hollow sections (53,54) are mounted one behind the other, wherein, when the seat is in the service position, the backrest element (10) has the hollow sections (53,54) in the lower area, by preference in the area of the lower third of such backrest element (10), wherein the backrest element (10) is bent so as to assume the shape of U and wherein a common

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chamber wall (51c,51d) separates the adjoining hollow sections (53,54) from each other, wherein the cross-section of one hollow section (53) is the same as or larger than the cross-section of the second hollow section (54).

Claims 5-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Magnuson et al teach a structure similar to the present invention.

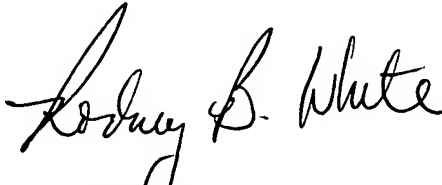
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,
Patent Examiner
Art Unit 3636
October 4, 2007


RODNEY B. WHITE
PRIMARY EXAMINER